REMARKS

This Amendment responds to the Office Action mailed January 30, 2012.

The Examiner rejected claims 23-25, 27-31, 33-37, 39-42, 44, and 45 under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. First, the Examiner alleges that the specification failed to show possession of the limitation of increasing the rate of transmission of packets at a "predetermined time." Independent claims 23 has been amended to recite the limitation of a transmitter "at <u>an automatically-selected</u> time, automatically and without regard to any change in the rate of data received through said input, increasing the rate of transmission to said receiver." Independent claim 35 has been amended to recite the limitation of "transmitting said plurality of packets of said data over a wireless interconnection to a receiver, at <u>an automatically-selected</u> time and at a rate automatically increased to said second rate without regard to any change in the rate of data received for transmission." The claimed "automatically-selected time" is supported by FIGS. 19 and 24, as well as the specification at p. 38 lines 17-21, and p. 39 line 35- p. 40 line 33.

The Examiner also alleges that the specification fails to show possession of, e.g. automatically increasing a transmission rate "without regard to any change in the rate of data received through said input." The specification, however, at page 40 lines 8-15 indicates that bursts are provided after buffering, meaning that the bursts can be made irrespective of whether data into the transmitter is increasing or decreasing.

For each of these reasons, the applicant respectfully requests that the Examiner's rejection of claims 23-25, 27-31, 33-37, 39-42, 44, and 45 under 35 U.S.C. § 112, first paragraph, be withdrawn.

The Examiner rejects claims 23-25, 27, 29, 33, and 34 under 35 U.S.C. § 103(a) as being unpatentable over Gvozdanovic et al., U.S. Patent No. 6,660,720 in view of Zeira et al, U.S. Patent Application Pub. No. 2008/0267123, Hayder et al., WO 02/087276, and in further view of Fang, U.S. Patent Application Pub. No. 2007/0064722. The Examiner rejected each of claims 28, 30, and 31 under 35 U.S.C. § 103(a) as being unpatentable over respective combinations, each citing Gvozdanovic, Zeira, Hayder and Fang, respectively. The Examiner rejected claims 35-37, 40, 44, and 45 under 35 U.S.C. § 103(a) as being unpatentable over Gvozdanovic, Zeira, and

Hayder. The Examiner rejected claims 39, 41, and 42 under 35 U.S.C. § 103(a) as being unpatentable over respective combinations, each including Gvozdanovic, Zeira, and Hayder as the primary, secondary, and tertiary references, respectively.

Each of the Examiner's rejection relies upon the proposition that Zeira teaches a feature of "at a predetermined time, automatically and without regard to any change in the rate of data received through [an] input, transmitting a burst on a wireless interconnection." *See* Office Action mailed on January 30, 2012 at p. 7. The passages to which the Examiner cites, however, merely teach the insertion of "dummy data" used to keep an application open when an application layer sends no packets to a transmitter. In contrast, all of the applicant's claims require that the burst of packets be composed of the substantive data comprising the video or audio signals. Moreover, because Zeira only teaches the insertion of "dummy data" at the claimed "predetermined time, automatically and without regard to any change in the rate of data received through [an] input", it would be senseless, even counterproductive, to send such data at the claimed "second" – i.e. fast – rate or to measure bandwidth capacity based on receipt times at a receiver of such data, given that such dummy data is not sent to push a transmission line to its capacity, but instead merely to keep the line open by transmitting a minimal amount of empty (i.e. data-less) packets. Finally, even were the above true, the Examiner is incorrect to assert that these passages teach transmitting a burst "without regard to any change in the rate of data received through an input." Zeira teaches away from such a limitation given that the disclosed "dummy packets" are sent only when data received from an application layer decreases to zero, i.e. they are sent *in response to a change* as opposed to sending a burst regardless of whether data received at an input is changing.

For each of these reasons, the applicant respectfully requests that the respective rejections of claims 23-25, 27-31, 33-37, 39-42, 44, and 45 under 25 U.S.C. § 103(a) be withdrawn.

In view of the foregoing amendments and remarks, the applicant requests reconsideration and allowance of claims 23-25, 27-31, 33-37, 39-42, 44, and 45 .

Applicant submits that there are no fees required for entry of this Amendment. If any fees are deemed necessary, however, the Commissioner is authorized to charge the requisite fee to Deposit Account No. 03-1550.

Respectfully submitted,

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Dated: March 30, 2012   By

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